

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:07-CV-118-RLV**

MICHAEL E. INSCOE,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

Defendant, Michael J. Astrue, the Commissioner of Social Security (“Commissioner”), has moved this court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing his decision with a remand of the cause for further administrative proceedings. Plaintiff consents to this motion.

On remand, the Administrative Law Judge (“ALJ”) will be instructed to: (1) further evaluate the opinion of the consulting psychologist, Richard Pallaza, Ph.D., and the opinions of the State Agency psychological consultants; (2) reassess Plaintiff’s mental residual functional capacity, providing appropriate reference to the evidence of record in support of each conclusion; and (3) obtain evidence from a vocational expert to clarify the effect of the assessed limitations on Plaintiff’s occupational base. The ALJ will then issue a new decision based on all of the evidence of record.

Pursuant to the power of this court to enter a judgment reversing the Commissioner’s decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g) this

court hereby REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Signed: November 24, 2008

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

